IN THE HIGH COURT OF UTTARTANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital the 6th day of March 2006
Bail Application No. 137 of 2006
Order on the bail application of accused.

CRIMINAL SIDE
Mohd. Alsami
S/o Mohd. Yusuf
R/o Village Naseerpur Kala
Police Station – Pathri
District –Haridwar … Applicant.

Vs.

State of Uttaranchal … Opposite party.

In Case Crime No. 265 of 2005
U/s 392, 411 I.P.C.
Police Station – Manglaur
District -Haridwar

Hon'ble J. C. S. Rawat, J.

Heard Sri Navneet Kaushi-learned counsel for the applicant, learned AGA for the State and perused the record.

It was contended that the applicant is the pillion ride and motorcycle is not recovered from his possession. The case of the accused is different from the co-accused. It was further contended that there are so many cases against the applicant. It was further contended that there are other motor-cycles which are the subject matter of other loots and are also against the present applicant. The learned A.G.A. could not show me any recovery of the motor-cycle at the behest of the accused. Learned A.G.A. could not state that the recovery has been made by the a police so far. It was further contended that identification parade has not been made so far.

Considering the facts and circumstances of the case in totality, I am of the view that it is a fit case for bail.

Let the applicant-accused, Mohd. Alsami be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the CJM concerned.

The applicant will give undertaking before the court below that he will not see to the witnesses and will conceal himself from the witnesses till identification parade is made. He will not take the plea during trial that he had been seen by the witnesses before the identification parade is held.

(J.C.S. Rawat, J.)

Dated:- 06.03.2006
Shiv